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October 12, 2023

Honorable Steven I. Locke
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Letter Request to Cancel Status Conference
Ferdinand L. Coste Jr. v. Town of Islip et al., Docket No. 2:23-cv-01339-JMA-SIL

Dear Judge Locke:

Defendants Town of Islip et al. (the Town) respectfully file this letter requesting cancellation of the status conference scheduled for Thursday, October 19, 2023 set by the Court's August 23 Scheduling Order. The Town cannot identify any issues or updates warranting a status conference be held at this stage in the litigation. The Town provides the following update on litigation and settlement discussion:

First, pursuant to the Court's August 9, 2023, Order, ECF 36, Plaintiffs' opposition to the Town's motion to dismiss is due on October 13. The Town's reply in support of the motion to dismiss is due on November 20. Discovery and the Rule 26(f) conference are stayed until the Court's disposition of the Town's motion to dismiss. *See id.*

Second, Plaintiffs and Defendant Federal Aviation Administration (FAA) stipulated to dismissal of FAA as a defendant in this action and on October 11, 2023, Judge Azrack issued an order dismissing FAA, ECF 39.

Third, although settlement between the Town and Plaintiffs appears to remain on the table, there are no updates on settlement warranting a status conference. There has been no meaningful progress on settlement between Plaintiffs and the Town following settlement discussions with the Court in August. Last week, on October 5, Plaintiffs proposed revisions to a settlement term sheet the Town provided Plaintiffs over seven months ago in February 2023. The proposal did not show progress from the last version the parties exchanged, and, in fact, regressed on several key points. Plaintiffs proposed a meeting between Plaintiffs, the Town, and FAA to discuss the rehabilitation of Taxiway H. The Town has expressed an interest in the meeting between the parties. FAA has reached out to the parties regarding a potential meeting. As of the date of this letter, no meeting has been scheduled.

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The Town has proposed cancellation of the status conference to Plaintiffs. Counsel for Plaintiffs has proposed the status conference take place. For the reasons discussed above, neither the current status of settlement discussions nor any litigation issue requires expenditure of the time and resources of the Court and parties to attend a status conference. Accordingly, the Town respectfully requests the October 19, 2023 status conference be cancelled.

Respectfully submitted,

/s/ Nathaniel H. Hunt

Nathaniel H. Hunt (*pro hac vice*)

Kaplan Kirsch & Rockwell LLP

Attorney for Defendants Town of Islip et al.

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CERTIFICATE OF SERVICE

I certify that on October 12, 2023, I electronically filed the foregoing document using the CM/ECF system. The participants in this case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ *Nathaniel H. Hunt*

Nathaniel H. Hunt

Attorney for Defendants Town of Islip et al.